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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 19, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE000662

Ex Parte: In the matter of  
Adopting Rules Governing  
the manner of installing  
underground utility lines

ORDER GRANTING EXTENSION

On November 30, 2000, the State Corporation Commission ("Commission") entered an Order that, among other things, published its Staff's proposed rules for the enforcement of § 56-257, as amended, of the Code of Virginia, and permitted interested parties to file comments and requests for hearing on these rules.

In response to the November 30, 2000, Order, a number of interested parties filed comments on the Staff's proposed rules. None of those filing comments requested a hearing on the rules, although several requested leave to participate in a hearing if one was convened.

On February 23, 2001, the Commission entered an Order directing its Staff to file a report in this matter on or before April 20, 2001. In that Order, the Commission also invited interested parties of record to file further comments in reply

to the Staff's report or to request a hearing on the Staff's recommendations and revisions to the rules by no later than May 10, 2001.

On April 18, 2001, the Staff filed a Motion requesting an extension of time in which to file its report in this matter. The Staff requested that the date by which it had to file its report be extended from April 20, 2001, to May 3, 2001. To avoid prejudice to the interested parties of record in the proceeding, the Staff asked that the time in which interested parties of record could file their reply comments or requests for hearing on the Staff report be extended to May 17, 2001. The April 18 Motion maintained that the Staff member primarily responsible for preparation of the report had become temporarily unavailable due to unanticipated personal circumstances, and that additional time was necessary to complete the report.

NOW, UPON consideration of the Staff's request, the Commission is of the opinion and finds that good cause has been shown for an extension of time in which the Staff may file its report; that the Staff's Motion to Extend Due Date for Staff Report and Reply Comments should be granted; that the time in which the Staff may file its report in this matter should be extended to May 3, 2001; that the time in which interested parties of record may file further comments in reply to, or request a hearing on the Staff's report should be extended to

May 17, 2001; and that this matter should be continued, pending further order of the Commission.

Accordingly, IT IS ORDERED THAT:

(1) The Staff's April 18, 2001, Motion to Extend Due Date for Staff Report and Reply Comments is hereby granted.

(2) The time in which the Staff shall file its report with the Clerk of the Commission shall be extended to May 3, 2001.

(3) The time in which interested parties of record may file any further comments in reply to, together with requests for hearing on the recommendations and revisions to the rules, if any, set out in the Staff's report, shall be extended to May 17, 2001. On or before May 17, 2001, interested parties shall serve a copy of their comments or requests for hearing on all other parties of record and the Commission Staff. Any request for hearing shall identify the factual issues likely to be in dispute upon which hearing is sought, together with the evidence expected to be introduced at any hearing convened by the Commission. If no sufficient request for hearing is received, the Commission may consider the proposed rules based upon the written pleadings and comments filed herein without convening a hearing at which oral testimony is received.

(4) This matter shall be continued, pending further order of the Commission.